



Informal Discussion by Members of Area North Committee

Wednesday 26th January 2022

2.00 pm

**A virtual consultative meeting via
Zoom meeting software**

The following members are requested to attend this virtual consultation meeting:

Neil Bloomfield
Malcolm Cavill
Louise Clarke
Adam Dance

Mike Hewitson
Tim Kerley
Tiffany Osborne
Clare Paul

Crispin Raikes
Dean Ruddle
Mike Stanton
Gerard Tucker

Any members of the public wishing to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 25 January 2022.

The meeting will be streamed and viewable online at:

https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 18 January 2022.

Jane Portman, *Chief Executive Officer*

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**

Information for the Public

In light of the coronavirus pandemic (COVID-19), Area North Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&Ver=4>

Area North Committee

Meetings of the Area North Committee are usually held monthly, at 2.00pm, on the fourth Wednesday of the month (unless advised otherwise. However during the coronavirus pandemic these meetings will be held remotely via Zoom.

Agendas and minutes of meetings are published on the council's website

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email democracy@southsomerset.gov.uk for the details to join the meeting.

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on 25 January. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am on 25 January. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be

encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak at the virtual meeting they must email democracy@southsomerset.gov.uk by 9.00am on Tuesday 25 January 2022.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Informal Discussion by Members of Area North Committee

Wednesday 26 January 2022

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on Wednesday 15 December 2021. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=428&Year=0>

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Neil Bloomfield, Malcolm Cavill and Adam Dance.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 23 February 2022**, and will be a virtual meeting using Zoom.

5. Public Question Time

6. Chairman's Announcements

7. Reports From Members

Items for Discussion

- 8. Community Grant - Heating Upgrade at the Ridgway Hall Langport (Executive Decision)** (Pages 7 - 13)
- 9. Area North Forward Plan** (Pages 14 - 15)
- 10. Planning Appeals (for information)** (Pages 16 - 21)
- 11. Schedule of Planning Applications to be Considered by Committee** (Pages 22 - 23)
- 12. Planning Application 21/03035/FUL - Cockle Moor Car Park, Whatley, Langport.**
(Pages 24 - 29)

Please note that members of the Area Committee will make a recommendation on the above reports. The decision will be taken by the Chief Executive.



Community Grant - Heating Upgrade at the Ridgway Hall Langport (Executive Decision)

Strategic Director: Kirsty Larkins, Director of Service Delivery
Service Manager: Tim Cook, Locality Manager
Lead Officer: Adrian Moore, Locality Officer
Contact Details: adrian.moore@southsomerset.gov.uk

Purpose of the Report

Councillors are asked to consider the awarding of a grant of £3,050 towards a Heating Upgrade at the Ridgway Hall Langport

Public Interest

Awarding grants is a key way that SSSDC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

Landmark Langport has applied to the Area North community grants programme for financial assistance with the costs of a Heating Upgrade at the Ridgway Hall Langport. The Locality Officer is submitting this report to enable the Area North Committee to make an informed decision about the application and has assessed the application.

Recommendation

That Area North Committee recommend to the Chief Executive that a grant of £3,050 be awarded to Landmark Langport, towards a heating upgrade at the Ridgway Hall in Langport, the grant to be allocated from the Area North capital programme and subject to SSSDC standard conditions for community grants (appendix A).

Application Details

Name of applicant:	Landmark Langport
Project:	Heating Upgrade Ridgway Hall
Total project cost:	£8,550
Amount requested from SSSDC:	£3,050
% amount requested	36%
Application assessed by:	Adrian Moore

Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Max Score available	Officer assessment score
A Supports Council Plan/Area Chapter	1	1
B Supports Equalities & Diversity	1	1
C Supports Environment Strategy	3	2
D Need for Project	10	7
E Capacity of Organisation	15	12
F Financial need	7	4
Total	37	27

Background

Landmark Langport is the website and 'brand' of the Langport Charitable Incorporated Organisation set up to take on management of Langport's historic buildings, previously managed by the Langport Town Trust. They are a charitable organisation conserving and promoting the town's historic and public buildings:

- Town Hall
- Walter Bagehot Gardens
- Hanging Chapel and Medieval Archway
- The Ridgway Hall

The Ridgway Hall, in Stacey's Court, Bow Street is owned by Landmark Langport Charitable Incorporated Organisation and is available for hire by the public, community groups and businesses. Ridgway Hall has a main hall, open plan reception and kitchen area and a smaller lounge room which is mainly used by the youth club.

The main hall is suitable for larger gatherings of up to approximately 80 people, fitness classes, community events and private parties and will happily accommodate more vigorous activities such as children's sports and discos (with lighting) or bouncy castles with various large entrance doors for ease of access of large equipment.

The second large room incorporates an open plan kitchen which can equally be used for meetings, parties and public events. The fully fitted kitchen has an oven, fridge and freezer, microwave and numerous crockery and utensils.

Landmark Langport aims to benefit the residents of the Langport area and its surrounding communities through collaborative engagement so as to aid in the preservation of some of its key heritage buildings and other facilities. These are for use by the community, and in the interests of diversity and social welfare, with the objective of enhancing the quality of life for the residents and users of the town.

The recent period of lockdown has demonstrated clearly that the heating system in the Ridgway Hall is no longer adequate. Old gas heaters have been serviced recently and at least two have been proven to be so unsatisfactory that they should not be used. The use of these old gas heaters has resulted in condensation on the walls and ceiling, and the development of mould spores. To rectify this, heating engineers have been commissioned to provide estimates for a new system. This new heating system is using a gas fired boiler and will involve integration of existing solar panels which would be both energy efficient and enable the heating to be timed, so that the rooms in use by the public are warm at the right time for their activities – also important as a Covid safety measure. The new system would be far more environmentally friendly, Covid safe, and provide adequate heating for all users, especially during the winter months.

Parish information

Parishes*	Langport and Huish Episcopi
Parish Population	3,400
No. of dwellings	1,600

*Estimates based on 2011 census and subsequent new homes built to date

The project

The new heating system and conversion would install a wet centralised heating system using a gas fired boiler to provide heat to 3 zones within the premises giving flexible time and temperature control over the zones.

- Zone 1 hall only
- Zone 2 reception area and toilets
- Zone 3 office and recreation room

There would be a lower usage of gas as the boiler is a lot more efficient than the wall mounted heaters and only the zones required would be heated.

The work is aimed to be completed by May 2022.

Local support / evidence of need

The various activities in Ridgway Hall attract people of all ages. The users are not only from Langport, but also from Huish Episcopi and from neighbouring villages and parishes. Ridgway Hall is home to Langport youth club, and used by other groups including Age UK, watercolour painters, upholstery classes and the Bridge club.

As well as the support of Langport Town Council, messages of support have been received from councillors at Huish Episcopi Parish Council and Curry Rivel Parish Council.

Ridgway Hall is well known to the community and can be contacted by email/website/phone. Local residents can hire the building for events. These range from fitness classes, lip reading classes, youth club and parties.

Project costs

Project costs	Cost £
New boiler, flue, valves, thermostats, 13 radiators , all required pipe and fittings, labour , wiring, commission and registration	6,600
Buffer tank to utilise warm water from solar panels	1,200
Electrician to install an inverter, from the solar to the immersion	750
Total	8,550

Funding plan

Funding source	Secured or pending	Amount £
Town Council	Secured	500
Opening Up Safely and Reconnecting Communities Fund	Secured	5,000
SSDC Community Grant	Pending	3,050
Total		8,550

Conclusion and Recommendation

It is recommended that a grant of £3,050 is awarded

Financial Implications

The balance in the Area North Capital programme is £38,388. If the recommended grant of £3,050 is awarded, £35,338 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

Council Plan Implications

Council Plan themes and Areas of focus for 2021/22

Focus 3 – Environment

To keep South Somerset clean, green and attractive and respond to the climate and ecological emergency, we will work in partnership to:



- Continue the delivery of the Environment Strategy action plan, reducing our carbon emissions by 10% every year, to reach carbon neutrality by 2030
- Adopt and commence delivery of an Open Spaces Strategy promoting green infrastructure across the district
- Enhance the quality of the environment and its resilience and ability to adapt to climate change in partnership with our communities and businesses
- To protect South Somerset's landscape to seek to increase tree cover within our communities and the wider environment
- Support the delivery of the County wide Climate Change Emergency Strategy
- Initiate and support actions and infrastructure to encourage a shift to low carbon transport options including walking, cycling and electric mobility
- Promote and improve recycling and minimise waste through the roll out of 'Recycle More' across South Somerset from June 2021 through the Somerset Waste Partnership
- Support the development of environmental and ecological aspects within local, parish and neighbourhood plans
- Promote Nature Recovery Networks across the district, with a focus on delivery via the Ham Hill project
- Work with external partners to benefit the wider national cause in developing and generating clean energy storage to reduce renewable energy wastage in turn reducing use of fossil fuels in UK energy production.

Focus 4 – Places where we live

To enable housing and communities to meet the existing and future needs of residents and employers, we will work to:

- Enable the delivery of good quality housing in appropriate places across all tenures, to meet community needs
- Maximise the provision of affordable housing
- Support rural communities and economies through delivery of affordable housing
- Prevent people losing their home and supporting people who are homeless to have a place they can call home
- Support communities to identify any housing need in their parish and support them to meet this demand, including supporting Community Land Trusts
- Support provision of housing for Life long independent living
- To deliver sustainable communities where people want to live and thrive
- Proactively identify adaptable housing and community solutions responding to the consequences of the Covid-19 pandemic
- Promote and encourage environmentally sustainable housing, including to protect the Somerset Levels and Moors when determining planning submissions following advice from Natural England.

Carbon Emissions and Climate Change Implications

Helps to reduce carbon emissions.



Equality and Diversity Implications

The project aims to provide for people across all age and interest groups in the local community.

Background Papers

None.

Appendix A

Standard conditions applying to all SSDC Community Grants

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of the grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured before starting the project, if these were not already in place at the time of the application.
Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc.).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.
- Complete an evaluation survey when requested after the completion of the project.
- Note that they cannot apply for another community grant for the same project within a 3 year period of this award.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment, as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control Service when buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

None



Area North Committee - Forward Plan

Director: Nicola Hix, Strategy & Support Services
Officer: Becky Sanders, Case Officer (Strategy & Support Services)
Contact Details: democracy@southsomerset.gov.uk

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and to identify priorities for any further reports.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at democracy@southsomerset.gov.uk

Items marked in italics are not yet confirmed.

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
TBC	Community Grants	To consider any requests for funding.	Locality Officer



Planning Appeals

Strategic Director: Kirsty Larkins, Service Delivery
Lead Specialist: John Hammond, Principal Planner
Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members note the report.

Appeals Received

None.

Appeals Dismissed

None

Appeals Allowed

21/00181/S73A - Land adjacent Burgum, Westport, Langport TA10 0BH.
Application to vary condition 2 (approved plans) of planning approval 18/02149/FUL and as amended 19/02771/S73 to allow a minor increase in roof height, to ensure buildability and a continuous parapet.

The Inspector's decision letter is shown on the following pages.



Appeal Decision

Site visit made on 2 December 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/R3325/W/21/3279946

Land Adjacent Burgum, Westport, Langport, Somerset TA10 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Maria Duarte against the decision of South Somerset District Council.
 - The application Ref 21/00181/S73A, dated 18 January 2021, was refused by notice dated 27 May 2021.
 - The application sought planning permission to vary condition 2 (approved plans) of planning approval 18/02149/FUL and as amended 19/02771/S73 to allow a minor increase in roof height, to ensure buildability and a continuous parapet without complying with a condition attached to planning permission Ref 19/02771/S73, dated 27 January 2020.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 3641/009, 1211/002A, 1211/031A, 1211/041A, 1211/042A, 1211/043A, 1211/044A, 1211/051A, 1211/052A.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
-

Decision

1. The appeal is allowed and planning permission is granted to vary condition 2 (approved plans) of planning approval 18/02149/FUL and as amended 19/02771/S73 to allow a minor increase in roof height, to ensure buildability and a continuous parapet at Land Adjacent to Burgum, Westport, Langport, Somerset TA10 0BH in accordance with the application Ref: 21/00181/S73A, dated 18 January 2021, without complying with condition number 2 previously imposed on planning permission 19/02771/S73, dated 27 January 2020 and subject to the conditions set out in the attached schedule.

Background and Main Issue

2. On the 30 October 2018 planning permission¹ was granted, subject to a range of conditions, for the erection of a two bedroom, single storey dwelling with associated parking and landscaping at the appeal site. A further application² to allow for internal and external alterations was approved by the Council in January 2020. At the time of my site visit, the development had commenced with the main structure of the dwelling being in place. The appeal seeks a revised, but not substantially different, design to the dwelling previously

¹ Local Planning Authority Reference: 18/02149/FUL

² Local Planning Authority Reference: 19/02771/S73

approved. This appeal seeks the removal of condition 2 and its replacement with a condition specifying the plans that reflect the amended design. The essential difference between the two schemes is the overall height of the building and increase in the scale of the parapet.

3. The main issue is the effect of the development on the character and appearance of the surrounding area and on the host dwelling.

Reasons

4. The appeal site is located within Westport, a settlement which predominately comprises ribbon development adjacent to the B3168 highway. Residential properties appear to be predominately detached and front onto the highway. The appeal site is positioned on the south eastern side of the highway and situated adjacent to a canal and grade II listed bridge.
5. As noted above, planning history for the site indicates that the Council previously approved internal and external alterations at the appeal property following the submission and approval of the original planning application. This appeal seeks to vary condition 2 as identified above, which lists the approved plans, in order to allow for changes in the roof height and which, it is maintained by the Appellants, is to ensure buildability and a continuous parapet.
6. The evidence and plans before me indicate that whilst externally the overall height of the dwelling has not increased from that previously permitted, the parapet has been increased in terms of its height, and which the Council has put it to me would result in a building that appeared top heavy and harmful to the character and appearance of the surrounding area. Whilst the Council's submissions regarding the increase in height of the dwelling are acknowledged, externally the overall height of the building has not been increased. However, the plans indicate that the height of the parapet element of the dwelling has been increased by a small degree.
7. In my view, based on the evidence before me and observations made on my visit, the very small increase in the height of the parapet does not substantially or significantly alter the character or appearance of the appeal building and would not, as a consequence of that increase, result in a dwelling that appeared to be two storey in height, or which competes with the height of the nearby dwellings within Westport. Furthermore, I find that the increase in the height of the parapet element would not substantially alter the position in comparison to that which was approved by the Council and conclude that the changes made have not resulted in a building that appeared top heavy, or which dominates the street scene or other nearby properties.
8. Accordingly, for the above reasons the alterations to the dwelling do not give rise to any harm to the character and appearance of the area or the character and appearance of the host dwelling. It therefore complies with Policy EQ2 of the South Somerset Local Plan (March 2015) and those paragraphs of the National Planning Policy Framework (July 2021), which seek, among other things, to ensure that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district, reinforces local distinctiveness, respects local context and takes into account local character and site specific considerations.

Other Matters

9. I have carefully read and considered the residents' and Parish Council's concerns with regards to the significance of the amendments, and that development was not carried out in accordance with the originally approved plans. However, an application under Section 73A provides for such minor amendments to be made. In my view, based on the evidence provided, I am satisfied that the scheme has not modified the development in a way that makes it substantially different from that which was previously approved, and for the reasons given above the proposal would not result in any harm to the character and appearance of the surrounding area.
10. Whilst I also note the concerns regarding the use of materials, the evidence before me indicates that these matters were previously approved by the Council and the appeal scheme is comparable in its impact to that which has already been approved. In this regard, I find no harm to the character and appearance of the appeal building or to the surrounding area in terms of the materials to be used. I have further noted the concerns regarding ecology and wildlife. However, the Council has recommended a condition for wildlife mitigation measures, which I shall return to below.
11. Further to the above, the reference to the nearby grade II listed bridge within the Officer's report is acknowledged. I was able to visit the listed bridge on my site visit, and consistent with the findings of the Inspector in a recent appeal³ that concerned development at the appeal site, I find that, by reason of the limited intervisibility between the bridge and the appeal site, the significance and setting of the heritage asset would be preserved.

Conditions

12. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. The development has commenced, and I have therefore omitted the standard time limit condition as this is no longer necessary. I have only very limited information before me about the status of the other conditions imposed on the earlier planning permission. However, the Council has suggested conditions in the event that the appeal was successful.
13. In addition to the condition that specifies approved drawings to provide certainty, conditions relating to access, visibility splays and parking are necessary and reasonable in the interests of highway safety. Furthermore, and as noted above, in the interests of the protection and conservation of biodiversity, it is necessary to include a condition that requires that the development be carried out in accordance with the previously submitted ecological mitigation and compensation report.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed.

Mr A Spencer-Peet

INSPECTOR

³ Appeal Reference: APP/R3325/W/17/3171946

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 3641/009 and drawing numbers: Proposed Landscape Plan 1211/002A dated 17 September 2019 and drawing numbers: Proposed Plan 1211/031A, Proposed SE Elevation 1211/041B, Proposed NW Elevation 1211/042B, Proposed SE Elevation 1211/043B, Proposed NE Elevation 1211/044B, Proposed Section AA 1211/051D and Proposed Section BB 1211/052B dated 16 September 2019.
- 2) The proposed access shall be constructed in accordance with details shown on the approved plans, and shall be available for use before dwelling hereby permitted is first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.
- 3) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of the visibility splays shown on the approved plans. Such visibility shall be fully provided before the dwelling hereby permitted is first occupied and shall thereafter be maintained at all times.
- 4) The area allocated for parking and turning on the approved plan, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
- 5) The development hereby permitted shall be carried out in accordance with the ecological mitigation and compensation measures detailed in the submitted report 'Further Specific Ecological Mitigation/Compensation', dated 4 January 2018. The development shall be undertaken in accordance with the approved mitigation measures, unless otherwise agreed in writing by the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling hereby approved and no buildings or other structures including ponds, pools, walls, fences, gates or other means of enclosure are to be built within the curtilage of the dwelling without the prior express grant of planning permission.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the flat roof elements of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the prior express grant of planning permission.
- 8) The entrance gate(s) shall be set back a minimum distance of five metres from the edge of the adjoining carriageway and the sides of the access shall

be splayed from the centre of the access at such distance from the carriageway edge at an angle of 45 degrees. These works shall be fully implemented before the access concerned is first brought into use.

Schedule of Planning applications to be Determined by Committee

Strategic Director: Kirsty Larkins, Service Delivery
Lead Specialist: John Hammond, Principal Planner
Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.00pm

The meeting will be viewable online at:

https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Any members of the public wishing to address the virtual meeting regarding a planning application need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 25 January 2022.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	CURRY RIVEL, HUISH & LANGPORT	21/03035/ful	Change of use of car park space for the siting of a vintage food van.	Cocklemoor Car Park, Whatley, Langport.	Miss Jenna D'Ovidio

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 12

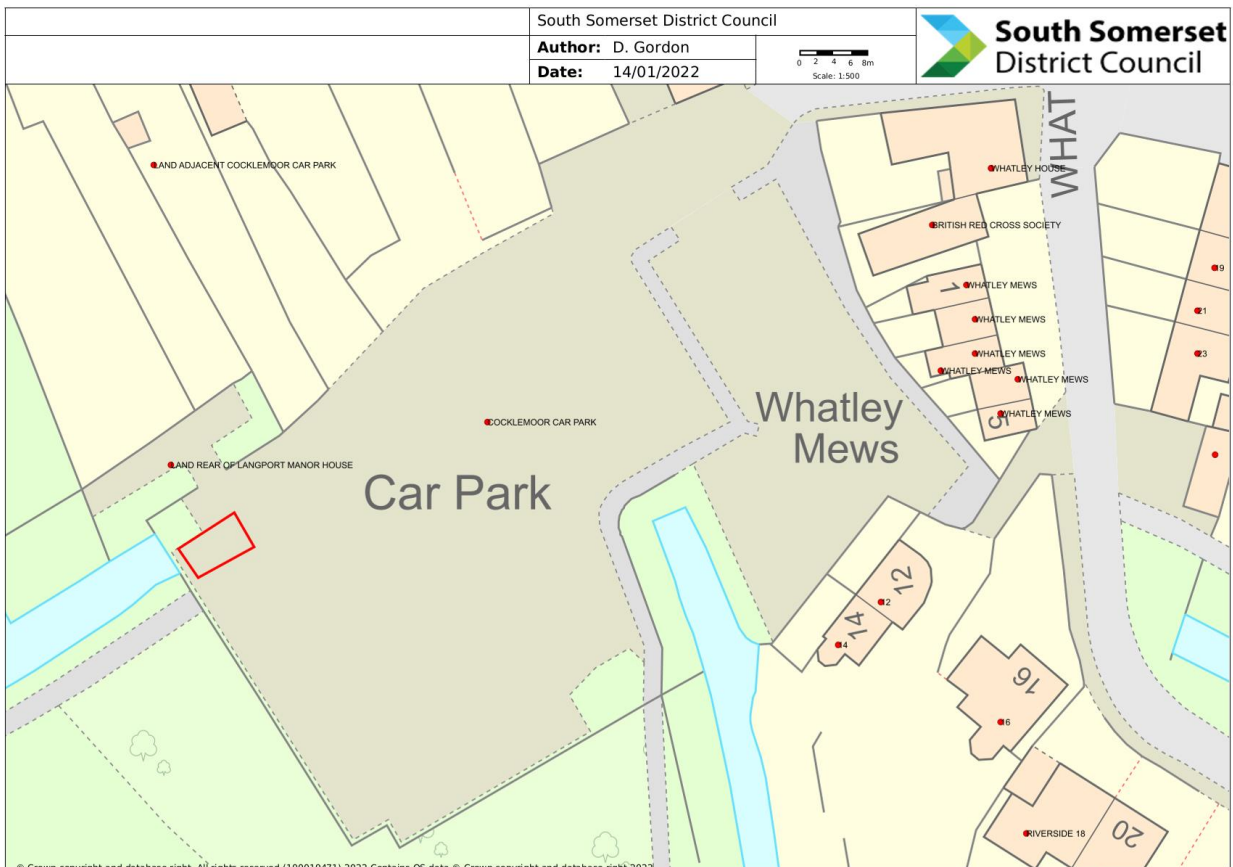
Officer Report On Planning Application: 21/03035/FUL

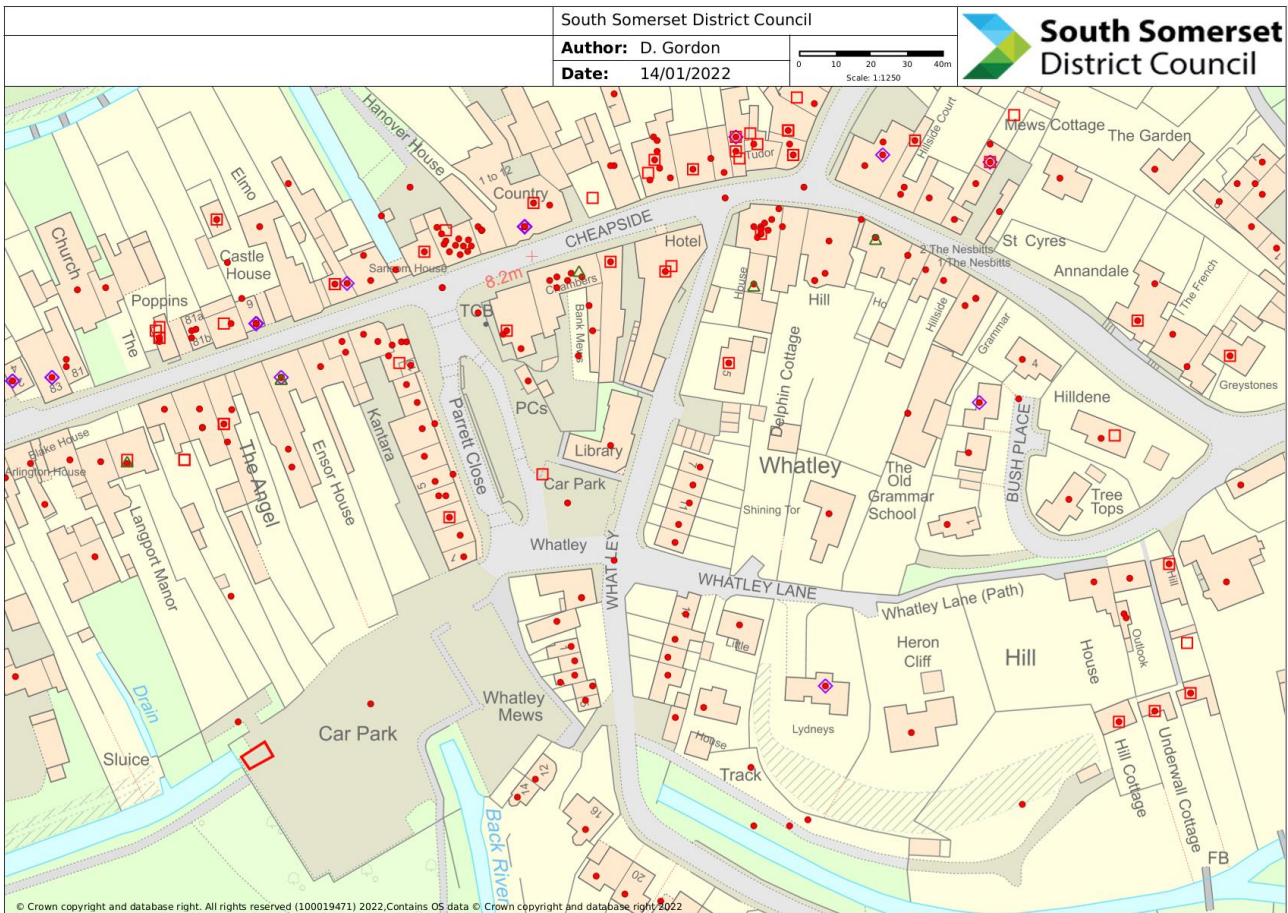
Proposal :	Change of use of a car park space for the siting of a vintage food van.
Site Address:	Cocklemoor Car Park , Whatley, Langport, TA10 9PG
Parish:	Langport
CURRY RIVEL, HUISH & LANGPORT Ward (SSDC Members)	Cllr T Osborne Cllr C Paul
Recommending Case Officer:	Ben Gilpin (Case Officer) Tel: 01935 462070 Email: ben.gilpin@southsomerset.gov.uk
Target date :	26th January 2022
Applicant :	Miss Jenna D'Ovidio
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is appropriate for consideration by Planning Committee as comments have been received that are contrary to the officer's recommendation, and Ward Member has requested Committee hearing.

SITE DESCRIPTION AND PROPOSAL





The application site a car parking space within the Cocklemoor public car park immediately north of the vehicular and pedestrian gates that give access to the path that leads along the river and the adjacent cross hatched area which prevents vehicle blocking this access.

It is within the Conservation Area.

The proposal is to station a vintage van for the sale of snacks and drinks on the parking space from Monday to Sunday (including Bank Holidays) between 07.00 hours and 19.00 hours.

The applicant has expressed the intention to support local traders by selling their products and abiding by the town's green charter.

Bins would be provided and taken back to the applicant's property for disposal by an independent commercial waste collection service.

RELEVANT HISTORY

20/02469/FUL - Change of use of a car park space for the siting of a vintage food van with the continued use of a car park space when the van is not in situ. Approved 05.01.2021

17/03142/FUL - Temporary location of mobile service providers. Approved 17.07.2017

08/04434/S73 - Application to vary condition 1 of decision notice 06/04454/FUL dated 03.01.2007 relating to the applicants name of the mobile catering van. Approved 02.12.2008

06/04454/FUL - The continued siting and operation of a mobile fast food outlet (including Sunday trading) (renewal of 05/02102/COU). Approved 03/01/2007

05/02102/COU - Renewal of temporary permission for siting of mobile fast food unit. Approved 19.10.2005

04/01288/COU - Siting and operation of a mobile fast food outlet including Sunday trading. Approved 05.08.2004

01/00908/COU - Use of land for the siting and operating of a mobile fast food outlet and variation of condition (5) of decision no. 0000194/COU to allow for Sunday trading. Approved 01.06.2001

00/00194/COU - Change of use of land for the siting and operating of a mobile fast food outlet (Renewal of temporary permission no. 9802460/COU). Approved 03.05.2000

98/02460/COU - Change of use of land for the siting and operating of a mobile fast food outlet. Approved 17.12.1998

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 2 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy TA5 - Transport Impact of New Development

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - September 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

LANGPORT TOWN COUNCIL: Objection

"The Councillors strongly oppose this application.

- i. Trading in the car park detrimentally impacts on all traders in the town. By purchasing refreshments here people do not come into the town to source refreshments and then discover the range of independent businesses.
- ii. Although the vintage van only occupies one parking space, there are electricity leads crossing neighbouring spaces.
- iii. The extension of trading hours are excessive.
- iv. Selling of Christmas trees, wrapped in plastic contrary to the Town Council's Green Charter."

SCC / SSSDC HIGHWAYS: Standing Advice / Comment

"I assume that the car park is managed by SSSDC. As this scheme is away from the public highway and the loss of one car parking space (taken up by the vintage food van) would not be significant, no highways objection is raised. While the scheme may generate a little more traffic entering and exiting the car park, it is a slow-speed environment and on the basis that the use has been operating for some time, I do not believe there are any significant issues with this scheme."

REPRESENTATIONS

At the time of writing:

88 x members of the public have commented (55 in support; 33 in objection)

Letters in support cite (material considerations to planning):

- Attractive
- Beneficial to amenity

Letters of objection cite (material considerations to planning):

- Unattractive
- Hazardous to queueing pedestrians

Comments also received regarding competition to existing operators in the town - not deemed a material consideration for planning.

CONSIDERATIONS

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Chapter 4 of the NPPF state that applications are to be determined in accordance with the development plan unless

material considerations indicate otherwise.

The main issues in this case are whether this is a sustainable form of development which would conserve the character and appearance of the Conservation Area and the potential impact on highway safety and amenity from the loss of the car parking space, the accessibility of the river path and the amenities of adjoining occupiers. Competition with other businesses and rent sharing are not planning issues.

There have been previous consents for mobile food vans and other mobile services within this car park for over two decades and this use has been considered sustainable and supportive of the town centre. Although the car parking space proposed for this use is adjacent to the access to the river path there would be sufficient space for customers to queue and vehicles and pedestrians to pass them. The loss of one car parking space for a few hours each day will not have a significant impact on amenity of users of the car park. The van would be sufficiently separated from residential properties by buildings and other parking spaces not to impact on the amenities of occupiers from noise or odours. The parking of a mobile food van in this parking space will have no greater impact on the character, appearance and setting of the Conservation Area than the parking of other vehicles of this size in the car park.

The proposal is therefore a sustainable form of development that would have a neutral impact on the character and appearance of the Conservation Area, would not result in additional traffic and would cause no demonstrable harm to residential amenities in accordance with the aims and objectives of Policies SD1, TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

Highways

In this case the Statutory Consultee on highways matters has stated Standing Advice is considered appropriate. In this instance the development would not in itself result in an increase of users and would have a benign effect on the wider highway network.

Knowing this it is not considered the scheme would be to the detriment of highway safety, the proposal could be supported as it would accord with Policies TA5 of the South Somerset Local Plan.

Phosphates

The site is identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. However, the form of development is not identified by the Natural England informative guidance that could be considered one that may require a Habitats Regulations Assessment (HRA). The development would not result in an increase in user numbers and as such is considered to be nutrient neutral.

In this instance, knowing the above it is considered the proposal would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

Conclusion and Planning Balance

The development proposes the change of use of the parking space for the duration of the hours requested, with the continued use of the space for vehicle parking beyond those hours.

In summary, as the scheme would not be to the detriment of the character of the area, not have an effect on ecology, heritage assets or highways it is considered the scheme accords with the Development Plan.

As such it is recommended that this planning application should be approved as it accords with policies SD1, TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

RECOMMENDATION

Planning Permission be approved.

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to amenity or heritage asset in accordance with the aims and objectives of the policies of the South Somerset Local Plan 2006-2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (dated 08/10/2021);
1258 .AL(0) 01
1258 .AL(0) 02 (Rev A)

Reason: In the interests of proper planning and for the avoidance of doubt.

03. The development hereby permitted shall only operate between the following hours, with the times outside of these hours being available for parking:

07.00 hours to 19.00 hours (Mondays to Sundays including Bank / Public Holidays).

Reason: In the interest of surrounding amenity and in accordance with the policy objectives of the South Somerset Local Plan 2006-2028.